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June 1, 1998

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Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

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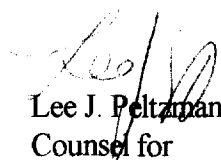
FEDERAL COMMUNICATIONS COMMISSION
JUN 1 1998

Re: MM Docket No. 98-49
RM-9248
Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
Las Vegas, New Mexico

Dear Mrs. Salas:

Transmitted herewith, on behalf of BK Radio, is an original and four (4) copies of its Comments in MM Docket No. 98-49. Please contact the undersigned should the Commission have any questions with respect to these Comments.

Sincerely,


Lee J. Peltzman
Counsel for
BK RADIO

Enclosure

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**Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

In the Matter of)
)
Amendment of Section 73.202 (b))
Table of Allotments)
FM Broadcast Stations)
(Las Vegas, New Mexico))

MM Docket No. 98-49
RM-9248

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

COMMENTS

BK Radio ("BK"), applicant for a new FM station on Channel 244A at Las Vegas, New Mexico (ARN-960829MH), by its attorney and pursuant to Sections 1.415 and 1.420 of the Commission's rules, hereby respectfully files its Comments in the above-captioned rulemaking.¹ By *Notice of Proposed Rule Making*, DA 98-661, released April 10, 1998 ("NPRM") the Commission proposed to amend its FM Table of Allotments to add Channels 268A and 275A to Las Vegas, New Mexico. The *NPRM* also proposed to allow BK and one other Las Vegas applicant, Meadows Media, L.L.C. ("Meadows") to amend their applications to specify Channels 268A and 275A, respectively, and to retain their cut-off protection.

BK supports the allotment of two new channels Las Vegas and the amendment by BK and Meadows to specify those channels in their applications. BK's Las Vegas application is currently mutually-exclusive with applications filed by Meadows and Sangre de Cristo Broadcasting Co., Inc. ("Sangre"). By permitting BK and Meadows to amend their applications, while retaining cut-off protection, the Commission will eliminate the mutually-exclusivity which currently exists between the

¹ BK incorporates by reference its earlier-filed Petition for Rule Making in this proceeding.

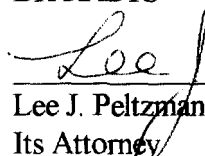
three Las Vegas applicants. Commission precedent supports the addition of the two channels and the amendment of BK's and Meadow's applications, while affording those applicants cut-off protection. *See Roseburg, Oregon*, 6 FCC Rcd. 4369 (1991); *Copeland, Kansas*, 5 FCC Rcd. 7682 (1990). Sangre would remain on Channel 244A and continue to be afforded cut-off protection. Should any other parties express an interest in applying for a channel at Las Vegas, Channel 224A would be available for allotment as noted in the Commission *NPRM*.

As noted by BK in its initial Petition for Rule Making, there would be significant public interest benefits which would accrue from the grant of the instant *NPRM*. The Commission would resolve the current conflict between the three mutually-exclusive applications and permit the prompt institution of service to Las Vegas. *See Albion, Nebraska*, 10 FCC Rcd. 3183 (1995). BK commits that if the Commission allots Channel 268A to Las Vegas, it will promptly modify its pending Las Vegas application by amendment to specify Channel 268A and, in the event its application is granted by the Commission, it will construct its station promptly.

Accordingly, for the reason stated above, BK supports the proposals contained in the Commission *NPRM* to allot Channels 268A and 275A at Las Vegas, New Mexico and to permit BK and Meadows to amend their applications to specify Channels 268A and 275A, respectfully, while retaining their cut-off protection.

Respectfully submitted:

BK RADIO



Lee J. Peltzman
Its Attorney

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June 1, 1998


CERTIFICATE OF SERVICE

I, Angela L. Master, Secretary, of the law firm of Shainis & Peltzman, do hereby certify that copies of the foregoing document were sent, via First Class Mail, this 1st day of June, 1998, to the office of the following:

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Angela L. Master